

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

DARRIN NEUER

v.

THOMAS J. ARTHUR and
BILLMAN TRUCKING, INC.

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NO.

NOTICE OF REMOVAL

TO: The United States District Court
for the Middle District of Pennsylvania

Defendants, Thomas J. Arthur and Billman Trucking, Inc., by and through their attorneys, Yost & Tretta, LLP, hereby file the within Notice of Removal of the above-captioned matter from the Cumberland County Court of Common Pleas in which it is now pending, to the United States District Court for the Middle District of Pennsylvania, and in support thereof, aver as follows:

1. This action was commenced by Writ of Summons filed in the Cumberland County Court of Common Pleas, No. 2017-07617. A copy of the Writ of Summons is attached hereto, made a part hereof, and marked as Exhibit "A."

2. On July 31, 2017, plaintiff's Writ of Summons was served upon defendant, Billman Trucking, Inc., via First Class mail and certified mail, return receipt. A copy of plaintiff's Affidavit of Service is attached hereto, made a part hereof, and marked as Exhibit "B."

3. On August 4, 2017, plaintiff's Writ of Summons was served upon defendant, Thomas J. Arthur, via First Class mail and certified mail, return receipt. See Exhibit "B."

4. At all times relevant to this action, plaintiff was an adult individual and citizen of the state of California, residing at 250 North 1st Street, Unit 311, Burbank, CA 91502. See Exhibit "A."

5. At all times relevant to this action, defendant, Thomas J. Arthur, was an adult individual and a citizen of the state of Indiana, residing at 3663 West Monroe Street, Napoleon, Indiana. See Exhibit "A."

6. At all times relevant to this action, defendant, Billman Trucking, Inc., was an Indiana corporation with its principal place of business located at 9405 East State Road 48, New Point, IN 47263. See Exhibit "A."

7. Thus, complete diversity of citizenship exists among the parties.

8. Upon information and belief, the value of the matter in controversy exceeds the amount of \$75,000.00, exclusive of interest and costs.

9. Accordingly, because diversity of citizenship exists and the amount in controversy exceeds \$75,000.00 exclusive of interest and costs, original jurisdiction exists in the United States District Court for the Middle District of Pennsylvania pursuant to 28 U.S.C. Sec. 1332.

10. Copies of all process, pleadings and Orders which have been received by the defendants are filed herewith.

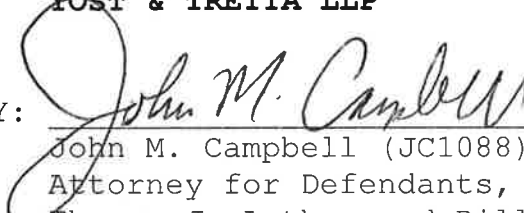
11. This Notice is timely, having been filed within thirty (30) days of service upon the defendant, Billman Trucking, Inc., with a copy of the Writ of Summons filed by the plaintiff by which this action was commenced.

WHEREFORE, notice is given that this action is removed from the Cumberland County Court of Common Pleas to the United States District Court for the Middle District of Pennsylvania.

Respectfully submitted,

YOST & TRETТА LLP

BY:

A handwritten signature in dark ink, appearing to read "John M. Campbell", is written over a horizontal line. The signature is fluid and cursive.

John M. Campbell (JC1088)

Attorney for Defendants,

Thomas J. Arthur and Billman
Trucking, Inc.

Two Penn Center Plaza, Suite 610

1500 John F. Kennedy Boulevard

Philadelphia, PA 19102

(215) 972-6600